

MEMORANDUM

Agenda Item No. 4(B)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to zoning;
amending Sections 33-1 and
33-279 of the Code; defining
farm stands; expanding permitted
uses for properties zoned AU
from fruit and vegetable stands to
farm stands; allowing vehicles or
trailers to serve as farm stands

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/smm




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)

9-17-13

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING FARM STANDS; EXPANDING PERMITTED USES FOR PROPERTIES ZONED AU FROM FRUIT AND VEGETABLE STANDS TO FARM STANDS; ALLOWING VEHICLES OR TRAILERS TO SERVE AS FARM STANDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 33-1. Definitions. For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(44.1) Farm Stands. A farm stand is a permanent or portable structure or vehicle located on an actively farmed site for the retail sale of agricultural products, as provided in Section 33-279 (6.1).<<

Section 2. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 33-279. Uses Permitted

* * *

(6.1) ~~[[Fruit and vegetable stands]]~~ >>Farm stands<< may be permitted in the area designated agriculture on the Adopted Land Use Plan Map of the Comprehensive Development Master Plan upon compliance with the following conditions:

~~[[a)]~~ ~~The property upon which the fruit and vegetable stand is located shall be not less than five (5) acres gross.]~~

~~[[b)]~~ >>(a)<<Such ~~[[fruit and vegetable stand]]~~ >>farm stand<< shall be accessory to a bonafide, actively farmed and harvested agricultural crop >>or crops<<, and said agricultural crop>>s<< must encompass 51 percent or more of the property. The ~~[[fruit and vegetable stand]]~~ >>farm stand<< shall be operated only by the party engaged in the production of the crop>>s<< on that property. The stand shall be operated only during the period of time that the crop>>s are<< ~~[[is]]~~ being produced on the site, and the ~~[[fruit and vegetable stand]]~~ >>farm stand<< use shall be discontinued when farming on the property is abandoned. Farming on the property shall not be deemed abandoned if the property is fallow between seasonal growing periods. ~~[[Fruit and vegetables]]~~ >>Agricultural products<< sold shall not be limited to products grown on the property.

~~[[e)]~~ >>(b)<< Refrigerated storage area(s) are prohibited unless the refrigeration system is powered by electricity.

~~[[d)]~~ >>(c)<< A minimum of six (6) parking spaces shall be provided; said spaces shall be located a minimum of thirty-five (35) feet from right-of-way pavement.

~~[[e)]~~ >>(d)<< The stand shall be located on the property with the following setbacks:

1. From right-of-way pavement sixty (60) feet;
2. From rear property line, twenty-five (25) feet;
3. From side street property line, twenty-five (25) feet; and
4. From interior side property line, one hundred (100) feet.

~~[[f)]~~ >>(e)<<The stand shall be ~~[[on]]~~ >>a permanent structure of at least one open side; an<< open-sided,

~~>>portable stand, trailer, or vehicle; or a self-propelled uni-body truck<< [[non-self-propelled vehicle or conveyance permanently equipped to travel upon the public highways; however, a mobile home shall not be utilized as a fruit and vegetable stand.]]~~

~~[[g]]~~ >>(f)<<The maximum size of the stand shall not exceed one thousand ~~[[1,000]]~~>>five hundred (1,500)<< square feet. Refrigerated storage area(s) shall be included in computing the size of the stand.

~~[[h]]~~ >>(g)<< ~~[[Food]]~~ >>Agricultural<< products >>may be<< offered for retail sale>>, provided that more than 51 percent of the products offered for sale shall be manufactured in Miami-Dade County and derived from agricultural products grown in Miami-Dade County.<< ~~[[shall be derived from the agricultural crop on the property where the fruit and vegetable stand is located and such food products shall be manufactured by the fruit stand operator.]]~~

~~[[i]]~~ >>(h)<<The hours of operation of the ~~[[fruit and vegetable stand]]~~ >>farm stand<< shall be limited to between 6:30 a.m. and 9:00 p.m.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Lauren E. Morse

Prime Sponsor: Vice Chair Lynda Bell